

REMARKS

Reconsideration and allowance of the subject application in view of the following remarks is respectfully requested.

Claims 1-18 remain pending in the application. Applicant appreciatively notes that Claims 1-6, 10-16 and 18 have been allowed.

Claims 7-9 and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hehlen et al (US 6, 580, 842). In response, Claim 7 has been amended to overcome Hehlen et al.

Claim 7 is directed to a device for positioning an optical component between two optical fibers at their end with lenses, comprising: a support through which is fixed a capillary tube, the support having a blind cut so as to separate the capillary tube into two parts which in aligned with each other, in that the cut has a first plane face perpendicular to a longitudinal axis of the capillary tube, and in that the component is positioned adjacent to and in contact with the first plane face.

Regarding the rejection, Hehlen does not disclose the component is positioned adjacent to and in contact with the first plane face which is perpendicular to a longitudinal axis of the capillary tube, as recited in amended Claim 7. Specifically, Hehlen suggests that isolator element is positioned within the optical pathways of waveguides and be securely held within the trench. (see, Hehlen col. 7, lines 20-24 and Fig.3) Hehlen discloses that the trench 114 has sidewalls 302 which are perpendicular to the substrate upper major surface, causing isolator element to be oriented orthogonally with respect to the substrate plane. (see, Hehlen col. 7, lines 33-38). The isolator element 116 is positioned on the trench 114, not directly positioned (adjacent to and in contact with) on sidewalls 302. The advantage of the invention recited in Claim 7 is that the optical fibers are very precisely positioned relative to each other because the optical fibers are in direct contact adjacent to and in contact with each other (see, page 6, lines 6-15 in the specification) whereas in Hehlen, optical fibers are disclosed but only outside of the optical substrate. See fibers 802, 804 and 812 on fig 8. "Precise positioning" for fibers is disclosed (see, col. 14 lines 9 to 12). But this is not so precise as the positioning disclose in the present application. More precise positioning is not useful in Hehlen. Therefore, for at least this reason, Claim 7 should be patentable and the rejection should be withdrawn. Accordingly, for the above reasons, Applicants

withdrawn. Accordingly, for the above reasons, Applicants respectfully submit that the 35 U.S.C §103 rejection over Hehlen be withdrawn and all claims are now in condition for allowance.

Each of Examiner's rejections has been traversed. Accordingly, Applicants respectfully submit that Claims 7-9 and 17 are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

All objections and rejections having been addressed, it is respectfully submitted that the application is in condition for Allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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